

Surface Mining Reclamation and Enforcement, Interior

§ 914.16

64 FR 63684, Nov. 22, 1999; 65 FR 1063, Jan. 7, 2000; 65 FR 34094, May 26, 2000; 65 FR 35575, June 5, 2000; 66 FR 57659, Nov. 16, 2001]

§ 914.16 Required program amendments.

Pursuant to 30 CFR 732.17, Indiana is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a)–(e) [Reserved]

(f) By January 3, 1992, Indiana shall amend 310 IAC 12-5-29, or otherwise amend the Indiana regulatory program to clearly require the replacement of water supplies which are affected by contamination, diminution, or interruption proximately resulting from surface mining activities which do not involve a legitimate water use by a person conducting these surface mining activities.

(g)–(r) [Reserved]

(s) By January 7, 1994, Indiana shall amend 310 IAC 12-5-27(a)(4) or otherwise amend the Indiana program to be no less effective than 30 CFR 816.41(c)(2) which references and requires compliance with 39 CFR 773.17(e).

(t)–(dd) [Reserved]

(ee) By July 1, 1994, Indiana shall amend 310 IAC 12-05-139(b) to provide that the interpretation of the terms of the document used to establish a valid existing right shall be based either upon applicable State statutory or case law concerning interpretation of documents conveying mineral rights, or where no applicable State statutory or common law exists, the interpretation is based upon the provisions at subdivisions 139(b) (1) and (2).

(ff)–(gg) [Reserved]

(hh) By June 10, 1996, Indiana shall submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to the Indiana program to provide implementing regulations for IC 14-34-4-8.5, concerning violations resulting from an unanticipated event or condition occurring on a remining site; IC 14-34-4-10.5, concerning identification of potential problems in a permit application for lands eligible for remining; and IC 14-34-10-2(b)(24), concerning a 2-year re-vegetation responsibility period for

lands eligible for remining. Specifically, Indiana shall amend 310 IAC 12-3-112 by adding a counterpart to 30 CFR 773.15(b)(4) and 30 CFR 773.15(c)(13), as added on November 27, 1995 (60 FR 58480); shall amend 310 IAC 12-3 by adding a counterpart to 30 CFR 785.25, as added on November 27, 1995 (60 FR 58480); and shall amend 310 IAC 12-4-7 by adding counterpart to 30 CFR 816/817.116(c)(2)(ii), as added on November 27, 1995 (60 FR 58480).

(ii) By April 28, 1997, Indiana shall submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption, to address the following:

(1) Amend the Indiana program at 310 IAC 12-3-49/83(e)(3) to add the requirement concerning stability analysis of each structure as is required by 30 CFR 780.25(f) and 784.16(f).

(2) [Reserved]

(3) The Director is requiring that Indiana further amend 310 IAC 12-5-24/90(a)(9)(E) to clarify that the term "subsection" should be "clause."

(jj) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to revise 312 IAC 25-4-17(d), (e), and (f) or otherwise modify the Indiana regulatory program to clarify that the information specified in those subsections must be submitted with the permit application.

(kk) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to revise 312 IAC 25-4-118(4) or otherwise modify the Indiana regulatory program to require permittees to allow authorized representatives of the Secretary of the Interior to have right of entry to surface coal mining and reclamation operations for purposes of inspections, monitoring, and enforcement and to be accompanied by private persons under the conditions specified in 30 CFR 773.17(d)(2).

(ll) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for

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adoption, to revise 312 IAC 25–4–45(b)(4) or otherwise modify the Indiana regulatory program to require the demonstration of the suitability of topsoil substitutes or supplements to also be based upon analysis of the “total depth” of the different kinds of soils.

(mm) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to:

(1) Revise 312 IAC 25–4–113(f) or otherwise modify the Indiana program to allow a person to oppose or seek disclosure of confidential information.

(2) Revise 312 IAC 25–4–113 or otherwise modify the Indiana program to add a provision, consistent with 30 CFR 773.6(d)(3)(iii), that classifies information on the nature and location of archeological resources on public land and Indian land as qualified confidential information in accordance with the Archeological Resources Protection Act of 1979.

[49 FR 20286, May 14, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §914.16, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§914.17 State regulatory program and proposed program amendment provisions not approved.

(a) The amendment at Indiana Code 14–34–5–7(a) submitted on May 14, 1998, concerning permit revisions is hereby disapproved effective March 16, 1999.

(b) The amendment at Indiana Code 14–34–5–8.2(4) submitted on May 14, 1998 concerning postmining land use changes is not approved effective August 15, 2001.

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(c) The amendment at Indiana Code 14–34–5–8.4(c)(2)(K) submitted by Indiana on May 14, 1998, concerning minor field revisions of temporary cessation of mining is hereby disapproved effective March 16, 1999.

[64 FR 12896, Mar. 16, 1999, as amended at 66 FR 42750, Aug. 15, 2001]

§914.20 Approval of Indiana abandoned mine land reclamation plan.

The Secretary approved the Indiana abandoned mine land reclamation plan, as submitted on December 7, 1981, on July 26, 1982, effective July 29, 1982. Copies of the approved plan are available at:

(a) Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, IN 47438–9517.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204–1521.

[64 FR 20166, Apr. 26, 1999]

§914.25 Approval of Indiana abandoned mine land reclamation plan amendments.

(a) The following is a list of the dates amendments were submitted to OSM, the dates when the Director’s decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
January 22, 1988	November 29, 1988	Project selection reclamation coordination, land acquisition, rights of entry, lien consideration, public participation, procurement, accounting systems, endangered and threatened species listing, revised administrative and management structure of the plan.
December 6, 1991	May 11 and October 6, 1992.	Revisions to the Indiana State Reclamation Plan corresponding to 30 CFR 884.13(c)(1), (2), (3), (5), (7), (d)(1), (e)(1), (2), (f)(1).
November 17, 1992 ..	October 26, 1994 ...	Emergency response reclamation program.
July 23, 1997	March 16, 1998	Indiana plan §§ 884.13(c)(2) through (7), (d)(1) through (3), (f)(2), (3); emergency response reclamation program.